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Attorneys for Crown Paper Liquidating Trust

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re:

CROWN VANTAGE, INC.,

Debtor.

Employer I.D. # 54-1752384

CROWN PAPER LIQUIDATING TRUST,

Plaintiff,

v.

PRICEWATERHOUSECOOPERS LLP f/k/a
COOPERS & LYBRAND; ERNST & YOUNG;
McGUIRE, WOODS, BATTLE & BOOTH;
MERRILL LYNCH & CO.; MERRILL,
LYNCH, PIERCE FENNER & SMITH;
SALOMON BROS.; DONALDSON, LUFKIN
& JENRETTE; HOULIHAN LOKEY
HOWARD & ZUKIN; CLIFFORD CUTCHINS;
STEPHEN HARE; ERNEST LEOPOLD; E.
LEE SHOWALTER; ROBERT C. WILLIAMS;
WILLIAM DANIEL; and JOSEPH T.
PIEMONT,

Defendants.

Case No.: C02-03836 MMC

**STIPULATION AND ORDER DEFERRING
HEARING AND BRIEFING DATES FOR
DEFENDANT MCGUIREWOODS LLP'S
MOTION FOR ATTORNEYS' FEES**

**Dept.
Judge:**

**Courtroom 7, 19th Floor
Hon. Maxine M. Chesney**

STIPULATION AND [PROPOSED] ORDER

1 Pursuant to Rule 6-2 of the Local Rules of the Northern District of California and FED. R.
2 CIV. P. 54(d)(2)(6), Defendant McGuireWoods LLP (“McGuireWoods”) and Plaintiff Crown Paper
3 Liquidating Trust (the “Trust”) stipulate as follows and respectfully request that the Court enter their
4 proposed order.

5 WHEREAS on July 12, 2004, this Court granted Defendant McGuireWoods’ Motion to
6 Dismiss this action with prejudice;

7 The Trust filed its Notice of Appeal of the dismissal on August 10, 2004.

8 On July 28, 2004, McGuireWoods filed a Motion for Attorneys’ Fees arguing that
9 McGuireWoods was entitled to attorneys’ fees under the terms of an Option and Settlement
10 Agreement, but requesting that the Court defer ruling on the attorneys’ fees Motion until
11 proceedings in the Delaware Chancery Court (the “Delaware Action”) involving the Option and
12 Settlement Agreement were resolved;

13 On January 12, 2005, this Court issued an Order finding that “because significant issues
14 concerning the contract under which McGuireWoods seeks an award of attorneys’ fees are pending
15 in the Delaware Action, the Court finds it appropriate to deny the Motion at this time, without
16 prejudice to refile it upon completion of the proceedings in Delaware.” The Court held that
17 McGuireWoods could refile its attorneys’ fee motion no later than fourteen (14) days after entry of a
18 final judgment in the Delaware Action;

19 The Delaware Action was dismissed without prejudice on December 21, 2005;

20 On or about December 23, 2005, the parties submitted a stipulation and proposed order to the
21 Court seeking an extension of time for McGuireWoods to file its Motion for Attorneys’ Fees from
22 January 4, 2006 to March 3, 2006;

23 On or about December 27, 2005, the Court granted the parties’ stipulation and ordered that
24 the last day for McGuireWoods to file its Motion for Attorneys’ Fees be continued from January 4,
25 2006 to March 3, 2006;

26 On March 3, 2006, McGuireWoods filed its Notice of Motion and Motion for Attorneys’
27 Fees and Expenses and supporting Memorandum of Points and Authorities;

1 On March 27, 2006, McGuireWoods and Crown stipulated to a further continuance of
2 McGuireWoods' Motion for Attorneys' Fees pending resolution of Crown's appeal of this Court's
3 order dismissing McGuireWoods. Specifically, the parties stipulated that McGuireWoods would
4 withdraw its Motion for Attorneys' Fees without prejudice to reasserting the claim in this Court if
5 (a) the case was remanded from the Ninth Circuit Court of Appeals to the District Court following
6 Crown's appeal, in which event any fees claims would be litigated as provided by Rule 54; or (b) the
7 Ninth Circuit affirms the dismissal of McGuireWoods, in which event the fee motion could be
8 refiled no later than fourteen (14) days after the Ninth Circuit affirms. This Court signed the
9 stipulation and proposed order on March 30, 2006 (Docket No. 429);

10 By order dated August 9, 2006, the Ninth Circuit Court of Appeals affirmed this Court's
11 order dismissing McGuireWoods;

12 On August 23, 2006, Crown filed a petition for rehearing and rehearing en banc with the
13 Ninth Circuit Court of Appeals;

14 By order dated September 20, 2006, the Ninth Circuit Court of Appeals denied Crown's
15 petition for rehearing and rehearing en banc;

16 The parties anticipate that the Ninth Circuit Court of Appeals will remand the case to this
17 Court in the immediate future, triggering McGuireWoods' time for re-filing of its Motion for
18 Attorneys' Fees;

19 The parties desire an extension of time for resolution of McGuireWoods' right to attorneys'
20 fees. The parties want time to consider and discuss how the Motion for Attorneys' Fees might be
21 resolved without the Court's intervention.

22 Accordingly, the parties respectfully request a 60 day extension of time from the date of the
23 Ninth Circuit Court of Appeals' remand of the case to this Court for McGuireWoods' re-filing of its
24 Motion for Attorneys' Fees.

25 ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED THAT, upon Court
26 approval of this stipulation, McGuireWoods' Motion for Attorneys' Fees shall be filed no later than
27 sixty (60) days from the date of the Ninth Circuit Court of Appeals' remand of the case to this Court.

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